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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,542	11/22/2000	Glenn F. Evans	MSI-707US	2661

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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,542

Applicant(s)

EVANS, GLENN F.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/05/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed Feb. 15, 2005 have been fully considered but they are not persuasive.

In re pages 7-11, applicant argues, that, in Sawabe, there is no changing of the parental level by the system controller, and Sawabe therefore does not "identify the availability of a parental level change feature" as recited in Applicant's claim 1 and there is no mention in Sawabe of causing a multimedia navigator program to pause the playback of corresponding media content until the multimedia player accepts an appropriate requested parental level as recited in claim 1.

In response, the examiner respectfully disagrees. Sawabe et al discloses in col. 18, lines 64-65 that "In FIG. 17, the system controller 100 first judges whether or not the parental level is selected (step S2)". Step S2 of Sawabe et al anticipates the claimed "identify the availability of a parental level change feature" because step S2 allows the user to change the parental level. It is noted that the selection of parental level of FIG. 17 is operated in **the non-video playback mode** (pause mode). Thus, the selection of parental level of FIG. 17 of Sawabe et al anticipates the claimed causing a multimedia navigator program to pause the playback of corresponding media content until the multimedia player accepts an appropriate requested parental level as recited in claim 1.

In re pages 12-14, applicant argues that the combination of Sawabe and Wugofski is improper for at least the reasons that there is no suggestion or motivation to combine these reference because there must be some suggestion or motivation, 4ither

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in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings and that Wugofski's teaching regarding API's teaches away from applicant's claim.

In response, the examiner respectfully disagrees. The examiner has pointed out what each of the prior art references teaches and has indicated how and why these references would have been combed to arrive at the claimed invention. Applicant cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Sawabe et al discloses a DVD player (Fig. 16). Wugofski teaches that the invention provides a modular architecture that enables rapid, easy and relatively bug-free development of convergence systems (page 1, paragraph #0007) and that the convergence system such as the Destination PC/TV system permit consumers to combine computer capability with the capability of such varying devices as digital video disc (DVD) players, direct broadcast satellite (DBS) receivers, TV tuners (for broadcast and/or cable TV), CD-ROM players, audio/visual tuners having at least radio tuning capability, cable decoders, video cassette recorders, laser and compact disc players, video cameras, etc. (page 1, paragraph #0004). Since Sawabe et al discloses the DVD player and Wugofski teaches a convergence system having DVD player, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Sawabe et al and Wugofski for the reason taught in Wugofski, page 1, paragraph #0007 "a modular architecture that enables rapid, easy and relatively bug-free development of convergence system". Thus, the motivation of

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combining the references as proposed by the Examiner is taught in Wugofski, page 1, paragraph #0007.

In re page 14, applicant argues that, with respect to claims 2-5, further elements not shown by the cited references include "the multimedia player application presents a user interface seeking authority to set the appropriate parental level while the media content is paused" as recited in claim 3 and "the paused media content continue playback without restarting from a previously played portion of the media content" as recited in claim 4.

In response, the examiner respectfully disagrees. As discussed above with respect to claim 1, the selection of parental level of FIG. 17 is operated in **the non-video playback mode** (pause mode) as required by claim 3 and, when the DVD player of Sawabe et al is playing back after the selecting of parental level of FIG. 17, the DVD player will not restart from a previously played portion of the media content.

In re pages 14-15, applicant argues that claims 6-15 are allowable for the same reasons as discussed above with respect to claims 1-5.

In response, as discussed above with respect to claims 1-5, the combination of Sawabe et al and Wugofski discloses all the claimed limitations.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawabe et al (US 6,122,434) in view of Wugofski (US 2003/0035007) as set forth in the last Office Action.

Regarding claim 1, Sawabe et al discloses, in a system comprising a multimedia player application operatively configured to interface with a multimedia navigator program (Figs. 16-17), a method comprising:

causing the multimedia player application to identify the availability of a parental level change feature (col. 18, lines 64 to col. 18, line 9); and

upon finding a need for a parental level change, causing the multimedia navigator program to pause and blocking playback of corresponding media content unit the multimedia player application indicates that it accepts an appropriate requested parental level (col. 18, lines 11-25). However, Sawabe et al does not specifically disclose at least one application programming interface and that the causing step is to the at least one application programming interface.

Wugofski teaches a convergence system having application programming interfaces for easily and quickly adapting the system to the new devices (page 1, paragraph #0004 and page 2, paragraph #0016).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the application programming interfaces as taught by Wugofski into the DVD player in order to provide a modular architecture that enables rapid, easy and relatively bug-free development of convergence systems.

Regarding claim 2, Sawabe et al also discloses the claimed wherein the media content includes digital versatile disc formatted content (col. 1, lines 14-22).

Regarding claim 3, Sawabe et al discloses the claimed wherein the multimedia player application presents a user interface seeking authority to set the appropriate parental level while the media content is paused (col. 18, line 64 to col. 19, line 25).

Regarding claim 4, Sawabe et al discloses the claimed wherein upon the acceptance of the appropriate parental level, the paused media content continues playback without restarting from a previously played portion of the media content (col. 18, line 64 to col. 19, line 25).

Regarding claim 5, Sawabe et al discloses the claimed wherein the media content includes selectable multiple segments, each being associated with a parental level, and wherein the multimedia navigator program is configured to suggest an appropriate segment upon encountering multiple segments during playback to the multimedia player application (col. 12, lines 25-37 and col. 18, line 64 to col. 19, line 25).

The computer-readable medium claim 6 is met by the system controller 100 and the RAM 100a of Fig. 16 and the same reasons as discussed in claim 1 above.

Claims 7-10 are rejected for the same reasons as discussed in claims 2-5 above.

Regarding claim 11, Sawabe et al discloses a system (Figs. 16-17) comprising:
a multimedia player application (DVD 1 of Fig. 16, col. 15, lines 24-27);

a multimedia navigator program (a system controller 100 of Fig. 16, col. 15, lines 31-48); an interface (col. 18, line 64 to col. 19, line 25) configure to operatively interface

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the multimedia player application with the multimedia navigator program, and wherein the multimedia player application is configured to identify to the interface the availability of a parental level change feature and upon finding a need for parental level change the multimedia navigator program pauses and blocks playback of corresponding media content until the multimedia player application indicates that it accepts the requested parental level. However, Sawabe et al does not specifically disclose at least one application programming interface (API).

Wugofski teaches a convergence system having application programming interfaces for easily and quickly adapting the system to the new devices (page 1, paragraph #0004 and page 2, paragraph #0016).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the application programming interfaces as taught by Wugofski into the DVD player in order to provide a modular architecture that enables rapid, easy and relatively bug-free development of convergence systems.

System claims 12-15 is rejected for the same reasons as discussed in the corresponding method claims 2-5 above.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382.

The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ


THAI TRAN
PRIMARY EXAMINER